

SECURITY AND INTELLIGENCE AGENCIES BILL, 2025

MEMORANDUM

The object of the Bill is to provide for matters relating to the National Security Council, to establish the regional security councils, the district security councils, to specify some of the State agencies responsible for coordinating and implementing government policies on the security of the State and attendant issues on or relating to the internal and external security of Ghana.

The Security and Intelligence Agencies Act, 1996 (Act 526) was in existence for over twenty-four years before its repeal by the Security and Intelligence Agencies Act, 2020 (Act 1030). Four years after the operationalisation of Act 1030, there is the need to re-enact Act 1030 to reflect the current policy direction of Government.

The policy direction of Government is to provide for a security architecture where the National Security Co-ordinator co-ordinates the activities of the security and intelligence agencies in the country. The Bill envisages that the National Security Council which is chaired by the President, will work directly with the Office of the National Security Co-ordinator and the Directors-General of the intelligence agencies.

The President will, however, assign ministerial responsibility for national security to a Minister.

The Bill establishes the Office of the National Security Co-ordinator to be part of the security and intelligence agencies. The Bill also seeks to streamline the functions of the National Security Co-ordinator and the security and intelligence agencies.

The Bill therefore seeks to repeal the Security and Intelligence Agencies Act, 2020 (Act 1030) to establish the required national security architecture in accordance with Government policy.

Clauses 1 to 11 provide for matters relating to the National Security Council. *Clause 1* replicates the composition of the National Security Council established under clause (1) of article 83 of the Constitution.

Clause 2 designates the Secretary to the Cabinet as the Secretary to the Council, as provided for in article 83 of the Constitution.

The procedure at meetings of the Council is provided for in *clause 3*. The President is to preside at meetings of the Council and in the absence of the President, the Vice-President is to preside. The Council is to regulate the procedure at meetings of the Council.

The functions of the National Security Council in accordance with article 84 of the Constitution are provided for in *clause 4* of the Bill. The functions include considering and taking appropriate measures to safeguard the internal and external security of the country and ensuring the collection of information relating to the security of the country, and the integration of the domestic and foreign security policies relating to the country so as to enable the security services and any other departments and agencies of the Government to co-operate more effectively in matters relating to national security. Other functions of the Council are to assess and appraise the objectives, commitments and risks of the country in relation to the actual and potential military power in the interest of national security and the taking of appropriate measures regarding the consideration of policies on matters of common interest to the departments and agencies of the Government concerned with national security.

The standard provision on the establishment of committees is provided for in *clause 5*.

Clause 6 establishes the regional and district security councils for each region and district. The regional security councils and district security councils are to operate as committees of the Council and perform in the regions and districts, the functions specified in *clauses 8* and *10*.

The membership of a regional security council is provided for in *clause 7*. A Regional Co-ordinating Director is Secretary to the regional security council. A regional security council is to regulate the procedure at the meetings of the regional security council.

A regional security council is required to provide early warning signals to the Government of the existence or likelihood of a security threat to the region, the country or the Government and in consultation with the Council, take appropriate measures to ensure peace in a conflict area in each region, *clause 8*. The regional security council is also to take measures to ensure peace building in the region and take immediate steps to ensure law and order and assist the population in the event of an emergency or a disaster in the region.

The membership of a district security council is provided for in *clause 9*. A District Co-ordinating Director is Secretary to the district security council. A district security council is to regulate the procedure for the meetings of the district security council.

The functions of a district security council as provided in *clause 10* include providing early warning signals to the Government of the existence or likelihood of a security threat to the

district, the country or the Government, and taking measures to ensure peace building in the district.

Clause 11 allows the President to assign ministerial responsibility for national security to the Minister whom the President considers appropriate.

Clauses 12 and 13 provide for the security and intelligence agencies. The composition of the security and intelligence agencies is provided for in *clause 12*. The security and intelligence agencies consist of the Office of the National Security Co-ordinator, Bureau of National Intelligence, formerly known as the National Intelligence Bureau, as the internal intelligence agency, and the Research Department as the external intelligence agency.

Under *clause 13*, the National Security Council is the governing body of the security and intelligence agencies.

Clauses 14 to 16 provide for the Office of the National Security Co-ordinator. The appointment of the National Security Co-ordinator is provided for in *clause 14* while the functions of the National Security Co-ordinator are spelt out in *clause 15*. The National Security Co-ordinator is to, among others, co-ordinate the development and implementation of national security strategies as directed by the President, provide appropriate orientation and general guidance to the intelligence agencies, co-ordinate on a day-to-day basis the activities of the Council, the regional security councils and the district security councils and the intelligence agencies. Additionally, the National Security Co-ordinator is to assist the intelligence agencies to gather internal and external intelligence in order to detect and prevent national security threats. The National Security Co-ordinator is also required to ensure that all activities of national security and the intelligence agencies are carried out in compliance with the laws of Ghana and accepted principles of public international law.

Provision is made in *clause 16* for staff for the Office of the National Security Co-ordinator. The *clause* also makes room for other public officers to be transferred or seconded to the office of the National Security Co-ordinator.

Clauses 17 to 20 deal with the intelligence agencies. *Clause 17* outlines the functions of the internal and external intelligence agencies. The functions are to collect, analyse, retain and disseminate in an appropriate manner, information and intelligence regarding activities that may constitute threats to national security; conduct intelligence operations aimed at preventing, detecting and responding to national security threats and safeguard the economic well-being of the State against threats posed by the actions or omissions of persons or organisations inside and outside the country. Additionally, the internal and external intelligence agencies are to protect the State against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking, organised crime, cyber threats and

any other related threats as well as activities of persons intended to overthrow the Government or undermine the constitutional order. Also, the internal and external intelligence agencies are to perform any other function as directed by the President, the Council or the National Security Co-ordinator.

The appointment of Directors-General for the internal and external intelligence agencies by the President in accordance with article 195 of the Constitution is provided for in *clause 18*, while the functions of the Directors-General are enumerated in *clause 19*.

A Director-General is responsible for the efficient and effective performance of the functions of the internal or external intelligence agency of which the Director-General is the head, for the control and administration of the internal or external intelligence agency under the Director-General, subject to the directions given by the President, the Council or the National Security Coordinator. The Directors-General are also to pursue and ensure political party neutrality of the internal and external intelligence agencies in the performance of functions.

The appointment of other staff and employees of the internal and external intelligence agencies is provided for in *clause 20*. This is to be done by the President in accordance with article 195 of the Constitution.

Clauses 21 to 28 provide for a complaints procedure. Investigation of complaints is dealt with in *clause 21*. A person who is aggrieved by an act or omission of a security and intelligence agency may submit a written or oral complaint to the National Security Co-ordinator, where the complaint is against the Office of the National Security Co-ordinator or to the Director-General, where the complaint is against the internal or external intelligence agency. The National Security Co-ordinator or the Director-General is required to examine the complaint and take appropriate action within thirty days from the date of receipt of the complaint. In the event that action is not taken on the complaint within the period specified, or that the person is dissatisfied with the action taken by the National Security Co-ordinator or the Director-General, the complainant is entitled to submit a written complaint to the Chief Justice.

By virtue of *clause 22*, the Chief Justice is required to, on receipt of a complaint, appoint within sixty days, a tribunal of three persons to examine and determine the issues in the complaint. The tribunal is to consist of a Justice of the High Court, a retired Justice of the High Court or a lawyer who qualifies to be appointed a Justice of the High Court and two other persons, one of whom is a person with considerable knowledge in the area of the subject matter of the complaint and in the operation of security and intelligence agencies in general.

In *clause 23*, the tribunal is to examine and determine a complaint referred to the tribunal by the Chief Justice within thirty days. However, the tribunal is not to determine a complaint which the tribunal considers frivolous, vexatious or is not made in good faith. The tribunal is also not to consider a complaint which is the subject matter of an action before a Court, or which the tribunal considers to be prejudicial to national security.

The proceedings in the course of an investigation are dealt with in *clause 24*. The tribunal is to give a fair hearing to persons appearing before the tribunal, and for that purpose, the rules of procedure of the High Court are to apply to proceedings of the tribunal with the necessary modifications.

The tribunal is not to commence the examination of a complaint referred to the tribunal by the Chief Justice, unless the tribunal has submitted a written notice of the complaint together with the documents relating to the complaint to the National Security Co-ordinator, where the complaint is against the Office of the National Security Co-ordinator or to the Director-General, where the complaint is against the internal or external intelligence agency, *clause 25*.

A person appearing before the tribunal is entitled to make a representation to the tribunal, be represented by a lawyer chosen by the person, and produce the evidence that person considers necessary for the investigations, *clause 26*.

Decisions of the tribunal are dealt with in *clause 27*. The *clause* places an obligation on the tribunal to notify the Director-General concerned and the complainant of the decision of the tribunal on the conclusion of an investigation of a complaint. In a case where the tribunal decides that compensation in the form of money should be paid to the complainant, the tribunal is to direct that the money be paid from public funds.

Clause 28 provides for an appeal against a decision of the tribunal to lie as of right to the Court of Appeal. A person who intends to appeal a decision of the tribunal is to do so within thirty days.

Clauses 29 to 31 make provision for warrants. *Clause 29* provides for an application for a warrant by the National Security Co-ordinator, a Director-General of the internal or external intelligence agency or an employee designated by the National Security Co-ordinator or a Director-General. The application for a warrant is to be made in writing to a Justice of the Superior Court, the chairperson of a Regional Tribunal or a senior police officer not below the rank of a superintendent.

Matters to be specified in an application for a warrant are provided for in *clause 30*. An application for a warrant under this *clause* is to specify, among others, the facts relied on to

justify the belief, or reasonable grounds, that a warrant is required to enable the security and intelligence agency investigate a threat to security or to perform functions under the Bill, the person or class of person to whom the warrant is proposed to be directed, and a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given. An application may also be for the purpose of interception of communications, in which case the warrant authorising the interception of communications is to be signed personally by a Justice of the Superior Court of Judicature.

A warrant issued under the Bill is to authorise a person in a class of persons to whom the warrant is issued, to exercise the powers specified in the warrant for the purpose of intercepting communications, obtaining information, records, documents or things of the type specified in the warrant, *clause 31*.

Financial provisions are in *clauses 32 to 35*. The expenses of the Council and the security and intelligence agencies are provided for in *clause 32*. Parliament is to provide from public funds the moneys required for the expenses of the Council and the security and intelligence agencies.

Standard provisions on accounts and audit as well as annual reports and other reports are dealt with in *clauses 33 and 34* respectively.

Provision is made in *clause 35* for the retirement benefits of an employee of a security and intelligence agency as specified in Regulations made under the Act.

The miscellaneous provisions are dealt with in *clauses 36 to 46*. *Clause 36* makes it mandatory for a member of the Council, a committee of the Council and an officer or employee under this Act to, before the commencement of functions under the Bill, take the oath of allegiance and the oath of secrecy and on ceasing to perform the functions of the office, take the oath of leaving office.

Clause 37 makes provision for the authorised disclosure of information. An employee of a security and intelligence agency is prohibited from disclosing any information obtained in the performance of a function under the Bill except as required by the Bill or any other enactment. The *clause* also provides for situations in which a security and intelligence agency may permit the disclosure of information by an employee.

Offences and penalties in relation to the unauthorised disclosure of information and the identity of a person are provided for in *clause 38*.

Clause 39 makes provision for situations in which an employee of a security and intelligence agency is not required to produce before Parliament a document or any other evidence. The

clause also provides for a redress mechanism in cases where there is doubt as to the nature of a document or any other evidence to be produced. In such cases, the Speaker or the Council is required to refer the matter to the Supreme Court in accordance with article 135 of the Constitution.

Clause 40 makes provision for the application of the Evidence Act, 1975 (N.R.C.D. 323) in relation to disclosure of evidence.

Under *clause* 41, an employee of a security and intelligence agency has, in the performance of functions under the Bill, the same rights, powers and protection conferred by law on a police officer in the performance of functions.

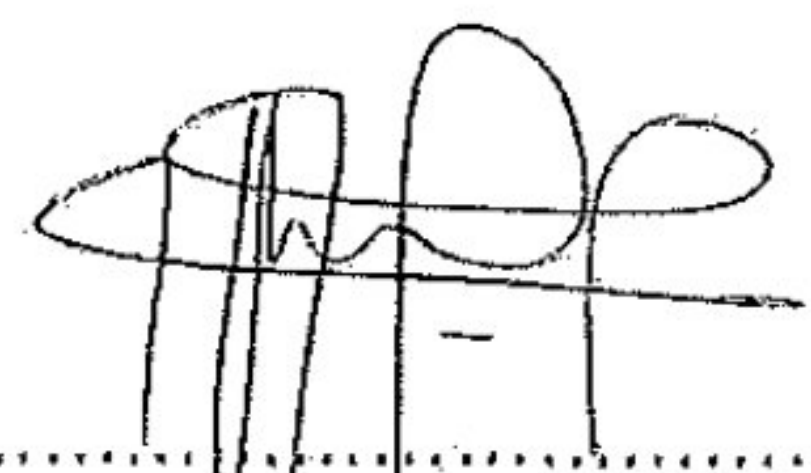
The power of the Council to make Regulations for the effective implementation of the Bill is provided for in *clause* 42. The Regulations may provide for the conditions of service of employees of the security and intelligence agencies, matters on discipline of the employees, reporting procedures and the Scheme of Service of the security and intelligence agencies.

Clause 43 provides for the interpretation of words and phrases used in the Bill.

Clause 44 repeals the Security and Intelligence Agencies Act, 2020 (Act 1030) and saves, among other, Regulations, notices, orders, directions and appointments made as well as offences committed, penalties imposed or proceedings commenced under Act 1030.

Finally, *clause* 45 provides for consequential amendments and *clause* 46 deals with transitional matters.

Date: 3rd July 2025


HON. MUNTAKA, MOHAMMED-MUBARAK
Minister responsible for National Security

SECURITY AND INTELLIGENCE AGENCIES BILL, 2025

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SECURITY AND INTELLIGENCE AGENCIES BILL, 2025

A

BILL

ENTITLED

SECURITY AND INTELLIGENCE AGENCIES ACT, 2025

AN ACT to provide for matters relating to the National Security Council, to establish the regional security councils, the district security councils, to specify some of the State agencies responsible for coordinating and implementing government policies on the security of the State and attendant issues on or relating to the internal and external security of Ghana and to provide for related matters.

PASSED by Parliament and assented to by the President

National Security Council

Composition of National Security Council

1. (1) The National Security Council established by article 83 of the Constitution consists of

- (a) the President;
- (b) the Vice-President;
- (c) the Ministers for the time being holding the portfolios of foreign affairs, defence, interior and finance and such other Ministers as the President may determine;
- (d) the Chief of Defence Staff and two other members of the Armed Forces;
- (e) the Inspector-General of Police and two other members of the Police Service, one of whom shall be the Commissioner of Police responsible for the Criminal Investigations Department;

- (f) the Director-General of the Prisons Service;
- (g) the Director of External Intelligence;
- (h) the Director of Internal Intelligence;
- (i) the Director of Military Intelligence;
- (j) the Commissioner of Customs, Excise and Preventive Service; and
- (k) three persons appointed by the President.

(2) The President may, in appointing the members of the Council under paragraph (k) of subsection (1) have regard to the Ghana Immigration Service, the Ghana National Fire Service and gender balance.

Secretary to the Council

2. The Secretary to Cabinet is the Secretary to the Council.

Procedure at meetings of the Council

3. (1) The President shall preside at meetings of the Council and in the absence of the President, the Vice-President shall preside.

(2) The President may, acting in consultation with the Council, invite such other persons as the President considers necessary for any deliberations of the Council.

(3) A person invited to participate in the deliberations of the Council under subsection (2) shall not vote on a matter for decision before the Council.

(4) The Council shall regulate the procedure at the meetings of the Council.

Functions of the Council

4. The functions of the Council, in accordance with article 84 of the Constitution, include

- (a) considering and taking appropriate measures to safeguard the internal and external security of the country;

- (b) ensuring the collection of information relating to the security of the country and the integration of the domestic and foreign security policies relating to the country to enable the security services and any other departments and agencies of the Government to co-operate more effectively in matters relating to national security;
- (c) assessing and appraising the objectives, commitments and risks of the country in relation to the actual and potential military power in the interest of national security; and
- (d) taking appropriate measures regarding the consideration of policies on matters of common interest to the departments and agencies of the Government concerned with national security.

Committees of the Council

5. (1) The Council may for the discharge of the functions of the Council, establish committees consisting of members of the Council or non-members or both to

- (a) perform a function of the Council; or
- (b) advise the Council on a matter referred to the committee.

(2) A committee composed of members and non-members shall be chaired by a member of the Council.

Establishment of regional and district security councils

6. (1) Without limiting section 5, there is established a regional and district security council for each region and district.

(2) A regional and district security council shall operate as committees of the Council and shall perform in the regions and districts, the functions specified in sections 8 and 10.

(3) A regional security council is answerable to the Council in the performance of the functions of the regional security council.

(4) A district security council is answerable to the relevant regional security council in the performance of the functions of that district security council.

Membership of regional security council

7. (1) A regional security council shall consist of

- (a) the Regional Minister, as the chairperson;
- (b) the Deputy Regional Minister or Deputy Regional Ministers;
- (c) the District Chief Executive of the District Assembly in the regional capital;
- (d) the Garrison Commander of the Ghana Armed Forces in the region, where applicable;
- (e) the Commanding Officer of the Ghana Army Unit responsible for the region;
- (f) the Regional Police Commander;
- (g) the Regional Crime Officer;
- (h) the officer in charge of the Bureau of National Intelligence in the region;
- (i) the head of the Customs Division of the Ghana Revenue Authority in charge of the region;
- (j) the officer in charge of the Prisons Service in the region;
- (k) the officer in charge of the Immigration Service in the region;
- (l) the officer in charge of the Ghana National Fire Service in the region;
- (m) the officer in charge of the National Disaster Management Organisation in the region;
- (n) the officer in charge of the Narcotics Control Commission in the Region;
- (o) the officer in charge of the National Identification Authority in the region;
- (p) the officer in charge of the Ghana National Ambulance Service in the region;

- (q) three members of Parliament from the region nominated by the Regional Minister; and
 - (r) three other persons appointed by the chairperson of the Council, at least one of whom is a woman and another, a community leader in the region, with knowledge in human security.
- (2) A Regional Co-ordinating Director is Secretary to the regional security council.
- (3) A regional security council shall regulate the procedure for the meetings of the regional security council.

Functions of regional security council

8. A regional security council shall in relation to the region
- (a) provide early warning signals to the Government of the existence or likelihood of a security threat to the region, the country or the Government;
 - (b) take appropriate measures, in consultation with the Council, to ensure peace in a conflict area in the region;
 - (c) implement peace-building measures to ensure the unity and stability of the region;
 - (d) take immediate steps to ensure law and order and assist affected populations in the event of an emergency or a disaster in the region; and
 - (e) perform any other function assigned by the Council.

Membership of district security council

9. (1) A district security council shall consist of
- (a) the District Chief Executive, as chairperson;
 - (b) the designated officer of the Ghana Army Unit responsible for the district;

- (c) the Divisional Police Commander;
- (d) the District Police Commander;
- (e) the District Crime Officer;
- (f) the Divisional Commander of the Bureau of National Intelligence;
- (g) the officer in charge of the Bureau of National Intelligence in the district;
- (h) the head of the Customs Division of the Ghana Revenue Authority in charge of the district;
- (i) the officer in charge of the Prisons Service in the district;
- (j) the officer in charge of the Immigration Service in the district;
- (k) the officer in charge of the Ghana National Fire Service in the district;
- (l) the officer in charge of the National Disaster Management Organisation in the district;
- (m) the Officer in charge of the Narcotics Control Commission in the District;
- (n) the officer in charge of the National Identification Authority in the District;
- (o) the officer in charge of the Ghana National Ambulance Service in the District;
- (p) a member of Parliament from the district nominated by the District Chief Executive; and

- (q) three other persons appointed by the chairperson of the Council, at least one of whom is a woman and another, a community leader in the district, with knowledge in human security.
- (2) A District Co-ordinating Director is Secretary to the district security council.
- (3) A district security council shall regulate the procedure for the meetings of the district security council.

Functions of district security council

10. A district security council shall in relation to the district
- (a) provide early warning signals to the relevant regional security council of the existence or likelihood of a security threat to the district, region, the country or the Government.
 - (b) take appropriate measures in consultation with the regional security council, to ensure peace in conflict areas in the district;
 - (c) implement peacebuilding measures to ensure the unity and stability of the district;
 - (d) take immediate steps to ensure law and order and assist affected populations in the event of an emergency or a disaster in the district; and
 - (e) perform any other function assigned by the Council or the regional security council.

Ministerial responsibility for national security

11. (1) The President shall assign ministerial responsibility for national security to a Minister whom the President considers appropriate.
- (2) The Minister assigned responsibility under subsection (1) shall,
- (a) submit a co-ordinated National Security Policy and Strategy within two years after the inauguration of a new Parliament;

- (b) in respect of each year, submit a report to Parliament on the security and intelligence agencies; and
- (c) ensure that all activities of the national security apparatus are carried out in compliance with the laws of Ghana and public international law.

Security and Intelligence Agencies

Composition of security and intelligence agencies

12. The security and intelligence agencies in this Act comprise the

- (a) Office of the National Security Co-ordinator;
- (b) internal intelligence agency existing immediately before the coming into force of this Act and known as the National Intelligence Bureau, now referred to as the Bureau of National Intelligence; and
- (c) external intelligence agency existing immediately before the coming into force of this Act and known as the Research Department.

Governing body of security and intelligence agencies

13. The governing body of the security and intelligence agencies is the National Security Council.

Office of the National Security Co-ordinator

Appointment of National Security Co-ordinator

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint a National Security Co-ordinator as head of the Office of the National Security Co-ordinator referred to in paragraph (a) of section 12.

(2) The National Security Co-ordinator shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the National Security Co-ordinator

15. The National Security Co-ordinator shall

- (a) co-ordinate the development and implementation of national security strategies and policies as directed by the Council;

- (b) provide national security briefings to the President, the Council and any other relevant stakeholders;
- (c) provide appropriate orientation and general guidance to the intelligence agencies;
- (d) co-ordinate on a day-to-day basis the activities of the Council, the regional security councils, district security councils and the intelligence agencies;
- (e) ensure effective and efficient collaboration between the national security and intelligence agencies;
- (f) assist the intelligence agencies to gather internal and external intelligence in order to detect and prevent national security threats;
- (g) co-ordinate the collation and evaluation of intelligence reports relating to national security and ensure dissemination of the information within Government, as appropriate;
- (h) determine, in consultation with the Directors-General of the intelligence agencies, the staff levels and requirements of the intelligence agencies;
- (i) set objectives and targets for the intelligence agencies, in consultation with the Directors-General of the intelligence agencies and monitor compliance with the objectives and targets;
- (j) ensure that all activities of national security and the intelligence agencies are carried out in compliance with the laws of Ghana and accepted principles of public international law;
- (k) brief the Minister assigned responsibility for national security timeously on all operational matters that are brought to the attention of the Co-ordinator; and
- (l) perform any other function as directed by the President or the Council.

Staff of the Office of the National Security Co-ordinator

16. (1) The President shall, in accordance with clause (1) of article 195 of the Constitution, appoint any other staff necessary for the effective and efficient performance of the functions of the National Security Co-ordinator.

(2) The President may, in accordance with clause (2) of article 195 of the Constitution, delegate the power of appointment under this section.

(3) Other public officers may be seconded or transferred to the Office of the National Security Co-ordinator.

Intelligence Agencies

Functions of internal and external intelligence agencies

17. (1) The internal and external intelligence agencies shall

- (a) collect, analyse, retain and disseminate in an appropriate manner, information and intelligence regarding activities that may constitute threats to national security;
- (b) conduct intelligence operations aimed at preventing, detecting and responding to national security threats;
- (c) safeguard the economic well-being of the State against threats posed by the actions or omissions of persons or organisations inside and outside the country;
- (d) protect the State against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking, organised crime, cyber threats and any other related threats;
- (e) protect the State against the activities of persons intended to overthrow the Government or undermine the constitutional order; and
- (f) perform any other function as directed by the President, the Council or the National Security Co-ordinator.

Appointment of Directors-General

18. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General as head of the internal and external intelligence agencies referred to in paragraphs (b) and (c) of section 12.

(2) A Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of Directors-General

19. A Director-General appointed under section 18

- (a) is responsible for the efficient and effective performance of the functions of the internal or external intelligence agency of which the Director-General is the head;
- (b) shall control and administer the internal or external intelligence agency under the Director-General, subject to the directions that the President, the Council or the National Security Co-ordinator may give;
- (c) shall pursue and ensure political neutrality of the internal or external intelligence agency of which the Director-General is the head;
- (d) shall implement internal grievance procedures prescribed by Regulations made under the Act to ensure that officers of the intelligence agency of which the Director-General is the head have proper channels for internal redress; and
- (e) shall perform any other function as may be directed by the President, the Council or the National Security Co-ordinator.

Appointment of other staff and employees of internal and external intelligence agencies

20. (1) The President shall, in accordance with clause (1) of article 195 of the Constitution, appoint any other staff and employees required for the effective performance of the functions of the internal and external intelligence agencies.

(2) The President may, in accordance with clause (2) of article 195 of the Constitution, delegate the power of appointment under this section.

(3) Other public officers may be seconded or transferred to any of the internal and external intelligence agencies.

Complaints Procedure

Investigation of complaints

21. (1) A person who is aggrieved by an act or omission of a security and intelligence agency may submit a written or oral complaint to

- (a) the National Security Co-ordinator, where the complaint is against the Office of the National Security Co-ordinator; or
- (b) the Director-General, where the complaint is against an internal or external intelligence agency.

(2) The National Security Co-ordinator or Director-General shall examine the complaint and take appropriate action within thirty days after the date of receipt of the complaint.

(3) A person who makes a complaint to the National Security Co-ordinator or a Director-General under this section may, where

- (a) action is not taken on the complaint within the thirty days referred to in subsection (2), or
- (b) the person is dissatisfied with the action taken by the National Security Co-ordinator or the Director-General

submit a written complaint to the Chief Justice.

Complaints tribunal

22. (1) The Chief Justice shall on receipt of a complaint under section 21, appoint within sixty days, a tribunal of three persons to examine and determine the issues in the complaint.

- (2) The tribunal shall consist of
 - (a) a Justice of the High Court, a retired Justice of the High Court or a lawyer who qualifies to be appointed a Justice of the High Court, as chairperson; and

- (b) two other persons, one of whom is a person with considerable knowledge in the area or the subject matter of the complaint and the operations of security and intelligence agencies in general.

Examination of complaints

23. (1) The tribunal shall examine and determine a complaint referred to the tribunal by the Chief Justice within thirty days after receipt of the complaint.

- (2) The tribunal shall not determine a complaint which
 - (a) the tribunal considers frivolous or vexatious or is not made in good faith;
 - (b) is the subject matter of an action before a Court; or
 - (c) the tribunal considers to be prejudicial to national security.

Proceedings at investigation

24. (1) The tribunal may exclude from the proceedings of the tribunal, persons other than parties to the proceedings and the lawyers of those persons, where the tribunal considers it necessary in the interest of defence, public safety, public order, public morality or the protection of the private lives of persons concerned in the proceedings.

(2) The tribunal may call a witness and request the production of documents, which the tribunal considers necessary in the interest of justice.

(3) A witness appearing before the tribunal shall be paid travelling and any other allowances determined by the Chief Justice.

(4) The tribunal shall give a fair hearing to the persons appearing before the tribunal, and for that purpose, the rules of procedure of the High Court shall apply to proceedings of the tribunal with the modifications that are necessary.

Notification to the National Security Co-ordinator or Director-General

25. The tribunal shall not commence the examination of a complaint referred to the tribunal by the Chief Justice, unless the tribunal has submitted a written notice of the complaint together with all the documentation relating to the complaint to

- (a) the National Security Co-ordinator, where the complaint is against the Office of the National Security Co-ordinator; or

- (b) the Director-General, where the complaint is against an internal or external intelligence agency.

Representation before tribunal

26. A person appearing before the tribunal may

- (a) make a representation to the tribunal,
- (b) be represented by a lawyer chosen by that person, and
- (c) produce the evidence that person considers necessary for the investigations.

Decision of the tribunal

27. (1) On the conclusion of an investigation of a complaint, the tribunal shall notify the National Security Co-ordinator or the Director-General concerned and the complainant of the decision of the tribunal.

(2) Where the tribunal decides that compensation in the form of money should be paid to the complainant, the tribunal shall direct that the money is paid from public funds.

Appeal to the Court of Appeal

28. (1) An appeal against a decision of the tribunal lies as of right to the Court of Appeal.

(2) A person dissatisfied with a decision of the tribunal may appeal against the decision within thirty days after receipt of the decision of the tribunal.

Warrants

Application for warrant

29. (1) Where the National Security Co-ordinator or a Director-General of the internal or external intelligence agency or an employee designated by the National Security Co-ordinator or a Director-General has reasonable grounds to believe that a warrant is required to enable the security and intelligence agency to perform a function under this Act, the National Security Co-ordinator or the Director-General or the designated employee may apply for the issue of the warrant.

(2) The application for the warrant shall be made in writing to a Justice of the Superior Court, the chairperson of a Regional Tribunal or a senior police officer not below the rank of a superintendent.

Matters to be specified in application for warrant

30. (1) An application for a warrant shall specify

- (a) the facts relied on to justify the belief, or reasonable grounds, that a warrant is required to enable the security and intelligence agency to investigate a threat to security or to perform functions under this Act;
- (b) that the urgency of the matter is such that
 - (i) it would be impracticable to carry out the investigation using other investigative procedures;
 - (ii) without a warrant under this section, it is likely that information of importance relating to a threat to national security cannot be obtained; or
 - (iii) a function under this Act cannot be performed without a warrant;
- (c) where the purpose is to intercept communication
 - (i) the type of communication proposed to be intercepted,
 - (ii) the type of information, records, documents or thing proposed to be obtained and the powers in paragraphs (a) and (b) proposed to be used; and
 - (iii) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;
- (d) the person or class of persons to whom the warrant is proposed to be directed;
- (e) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;
- (f) the proposed duration of the warrant not exceeding sixty days; and

- (g) any previous application made in relation to a person identified pursuant to subparagraph (iii) of paragraph (c) and the date on which the application was made, the name of the Justice to whom the application was made and the decision of the Justice in respect of the application.

(2) A warrant authorising the interception of communications shall be signed personally by a Justice of the Superior Court of Judicature.

Effect of warrant

31. (1) A warrant issued under section 30 shall authorise a person in a class of persons specified in the warrant to exercise the powers specified in the warrant for the purpose of intercepting communication, obtaining information, records, documents or things of the type specified in the warrant.

(2) The warrant shall further authorise the provision of assistance to the person exercising the powers specified in the warrant by a person who believes, that on reasonable grounds, that person is exercising the powers in accordance with a warrant.

Financial Provisions

Expenses of Council and security and intelligence agencies

32. Parliament shall approve moneys required for the expenses of the Council and the security and intelligence agencies.

Accounts and audit

33. (1) The National Security Co-ordinator and the Directors-General of the internal and external intelligence agencies shall keep the books, records and returns of accounts and other documents relevant to the accounts in the form approved by the Auditor-General.

(2) The National Security Co-ordinator shall submit the accounts of the Council and the Office of the National Security Co-ordinator to the Auditor-General for audit at the end of the financial year.

(3) The Directors-General of the internal and external intelligence agencies shall submit the accounts of the internal or external intelligence agency of which the Director-General is the head to the Auditor-General for audit at the end of the financial year.

(4) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy each of the audit report to the Minister.

(5) The financial year of the Council is the same as the financial year of the Government.

Annual reports and other reports

34. (1) The Minister shall, within thirty days after receipt of the audit report, submit an annual report to Parliament.

(2) The annual report shall include

- (a) a report on the activities and operations of the security and intelligence agencies;
- (b) the report of the Auditor-General; and
- (c) any other report that the Minister may consider necessary.

Retirement benefits

35. An officer or an employee under this Act is entitled to the retirement benefits prescribed by Regulations made under this Act.

Miscellaneous Provisions

Oaths

36. (1) A member of the Council, a member of a committee of the Council, an officer and employee under this Act shall, before the commencement of functions under this Act, take the oath of allegiance and the oath of secrecy on taking office, as provided in the Schedule.

(2) A member of the Council, a member of a committee of the Council, an officer and employee under this Act shall on ceasing to hold office, be sworn out of office in accordance with the oath as provided in the Schedule.

Authorised disclosure of information

37. (1) An officer or employee under this Act shall not disclose any information obtained in the performance of a function under this Act except as required by this Act or any other enactment.

(2) Despite subsection (1), the Council, the National Security Co-ordinator or a security and intelligence agency may permit the disclosure of information by an officer or employee under this Act

- (a) to a public officer who has authority to investigate an alleged contravention of a law or to the Attorney-General, if the information is required for an investigation or for prosecution;
- (b) to the Minister responsible for Foreign Affairs, if the information relates to the conduct of the international affairs of the country;
- (c) to the Minister responsible for Defence, if the information is relevant to the defence of the country;
- (d) to the Chief Justice, if the information is required by a court of competent jurisdiction; or
- (e) to a Minister of State or person in the public service, if the disclosure of the information is essential in the public interest, and the public interest outweighs an invasion of privacy that may result from the disclosure.

Offences for disclosure of information and identity

38. (1) Subject to the Constitution and to section 37, a person shall not disclose any information obtained by that person or to which that person had access in the performance of functions under this Act or to which that person had access in the administration or enforcement of this Act and from which there can be inferred the identity of

- (a) any other person who is or was a confidential source of information or assistance to agencies under this Act, or
- (b) a person who is or was an employee engaged in covert operational activities of the security and intelligence agencies.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.

Disclosure before Parliament

39. (1) An officer or employee of a security and intelligence agency under this Act shall not be required to produce before Parliament a document or any other evidence where the Speaker certifies that the

- (a) document or any other evidence belongs to a class of documents or evidence the production of which is prejudicial to the security of the Republic; or
- (b) disclosure of the evidence or of the contents of the document will be prejudicial to the security of the State; or

(2) Where there is doubt as to the nature of a document or any other evidence referred to in subsection (1), the Speaker or the Council shall refer the matter, in accordance with article 135 of the Constitution, to the Supreme Court for determination whether the production, or the disclosure of the contents, or the document or any other evidence would be injurious to the public interest or prejudicial to the security of the State.

Application of Evidence Act, 1975 (N.R.C.D. 323)

40. The provisions on disclosure of information in this Act are without prejudice to the privilege conferred on a person under the Evidence Act, 1975 (N. R.C.D. 323) in relation to disclosure of evidence.

Protection of employees

41. Subject to the Constitution, an officer or employee of a security and intelligence agency has, in the performance of functions under this Act, the same rights and powers conferred by law on a police officer in the performance of functions and has the same protections.

Regulations

42. (1) The Council may, by legislative instrument, within twelve months after the coming into force of this Act, make Regulations for the effective implementation of this Act.

(2) Without limiting subsection (1), the Regulations may provide for

- (a) the scheme of service,
- (b) the conditions of service,
- (c) the retirement benefits,
- (d) reporting procedures,
- (e) matters on discipline

of the officers and employees of the security and intelligence agencies.

Interpretation

43. In this Act, unless the context otherwise requires,

"conflict area" means an area of actual or potential political, economic, social or security instability which is declared as such by the national, regional or district security council;

"Council" means the National Security Council established by article 83 of the Constitution and referred to in section 1;

"District Assembly" includes a Municipal and a Metropolitan Assembly;

"District Chief Executive" includes a Municipal Chief Executive and a Metropolitan Chief Executive;

"District Co-ordinating Director" includes a Municipal Co-ordinating Director and Metropolitan Co-ordinating Director;

"district security council" includes a municipal security council and a metropolitan security council;

"intelligence agencies" mean the internal and external intelligence agencies established under this Act;

"laws of Ghana" means the laws referred to in article 11 of the Constitution;

"Minister" means the Minister responsible for national security;

"National Security Co-ordinator" means the National Security Co-ordinator appointed under section 14; and

"regional security council" means the regional security council established under section 6.

Repeal and savings

44. (1) The Security and Intelligence Agencies Act, 2020 (Act 1030) is repealed.

(2) Despite the repeal of Act 1030, Regulations, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the coming into force of this Act shall, with such modifications as

are made by this Act, be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

(3) This Act shall not affect Act 1030 in the operation of offences committed, penalties imposed or proceedings commenced before the coming into force of this Act.

Consequential amendments

45. (1) A reference to the Bureau of National Investigations, the National Intelligence Bureau or the internal intelligence agency in any enactment or document existing before the coming into force of this Act shall be construed as a reference to the Bureau of National Intelligence.

(2) A reference to the external intelligence agency in any enactment or document existing before the coming into force of this Act shall be construed as a reference to the Research Department.

(3) A reference to a Director of an internal or external intelligence agency in any enactment or document existing before the coming into force of this Act shall be construed as a reference to the Director-General of the internal or external intelligence agency concerned.

Transitional provisions

46. An officer, employee or staff of a security and intelligence agency existing immediately before the coming into force of this Act shall on the coming into force of this Act, be considered as an officer, employee or staff appointed under this Act.

SCHEDULE

(section 36)

FORMS OF OATH

OATH OF OFFICE

I, ...do (in the name of the Almighty God swear) (solemnly affirm) that I will faithfully and impartially to the best of my abilities perform the functions required of me as the Director-General /a member of a committee of the Council /an employee of the security and intelligence agencies. So help me God.

OATH OF SECRECY ON TAKING OFFICE

I, ..., do (in the name of the Almighty God swear) (solemnly affirm) that I will not, without due authority, disclose or make known to a person any information acquired by me by reason of the functions performed by me on behalf of or under the direction of the security and intelligence agencies or by reason of an office or employment held by me pursuant to the Security and Intelligence Agencies Act, 2025 (Act....). So help me God.

OATH OF ALLEGIANCE

I, ...do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana, to the President of Ghana, to the Government of Ghana, as by law established, that I will uphold the sovereignty and integrity of the Republic of Ghana and that I will preserve, protect and defend the Constitution of the Republic of Ghana. So help me God.

OATH OF SECRECY ON LEAVING OFFICE

I, ...having retired or resigned from my appointment in or having had my appointment terminated by a security and intelligence agency do hereby (in the name of the Almighty God swear) (solemnly affirm) that I will not directly or indirectly communicate or reveal any matter to any person which was considered by me or came to my knowledge in the discharge of my official duties save as may be required for or as may be specifically required by law. So help me God.